

# PLANNING COMMISSION REPORT



MEETING DATE: May 11, 2005

ITEM NO. \_\_\_\_\_ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Dirty Dogg Saloon - 4-UP-2004#2**

REQUEST Request to renew the 2004 approved conditional use permit and modify the existing stipulations for a Bar in an existing building located at 10409 N Scottsdale Road with Highway Commercial District (C-3) zoning.

### Key Items for Consideration:

- Proposal to allow continued operation of a bar.
- No resident or police concerns generated by the bar use over the past year.
- An updated Security Plan has been approved by Police Department.
- Adequate parking is available for this use.
- Residential uses are not in close proximity to this site, the closest residence is approximately 1,000 feet from the site.

### Related Policies, References:

4-UP-2004#2

OWNER Fire House Management  
480-368-8095

APPLICANT CONTACT Jack Estes  
Fire House Management  
480-227-3486

LOCATION 10409 N Scottsdale Rd

BACKGROUND

### Site Use History.

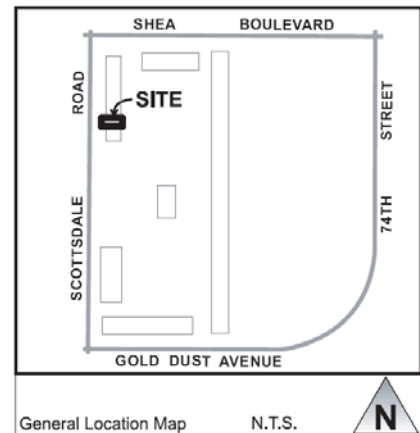
In the 1960's, this property was built for the Mag's Ham Bun restaurant/bar and operated with the same name until 2001. In 2001, it changed to the El Camino Café restaurant. The bar Conditional Use Permit for the Dirty Dog was approved in 2004 subject to a 1-year review.

### Zoning.

The site is zoned C-3 (Highway Commercial District), which allows bars with a conditional use permit. This zoning district also allows a variety of retail/commercial uses.

### Context.

This site is located within the Windmill Plaza subdivision, which is located on the southeast corner of Scottsdale Road and Shea Boulevard. The surrounding property is zoned C-3 (Highway Commercial District) and P-2 (Passenger



Automobile Parking).

Within the Windmill Plaza are several bars and restaurants. The distance to the nearest school, Chaparral High School, is 1,716 feet west. The nearest worship facility is the Chabad of Scottsdale which is in the Windmill Plaza, approximately 840 feet south of the proposed bar site.

#### APPLICANT'S PROPOSAL

##### **Goal/Purpose of Request.**

The applicant is requesting that the conditional use permit be approved without timing limitations, thus being permanent. No changes are proposed to the previously approved operational plan.

No modifications or additions are proposed to the building. The bar consists of approximately 2000 square feet of useable area. The bar hours are from 11 a.m. to 2 a.m. Mondays through Sundays.

CD music is provided through speakers throughout the inside of the building. The applicant is not proposing live entertainment.

Security is provided from 9:00 p.m. until closing, by uniformed staff.

#### IMPACT ANALYSIS

##### **Transportation.**

###### *Traffic.*

The site is located within a commercial center that at the intersection of two major arterials, Scottsdale Road and Shea Boulevard. The traffic generated by this use is primarily generated during off-peak hours for the adjacent street system. Because the majority of traffic is generated during periods when the adjacent streets have less traffic, the surrounding street system has adequate capacity to handle the traffic generated by the proposed use.

The commercial center has three driveways on Scottsdale Road and two driveways on Shea Boulevard. The easternmost driveway on Shea Boulevard is signalized, providing a controlled means to enter and exit the site.

###### *Parking.*

The parking for this use is provided within the parking lot located east of the site. That parking lot is shared with the remainder of the Windmill Plaza center, and parking is not assigned to any one user. Therefore, the availability of parking spaces to this site and other sites within the Windmill Plaza is dependent upon the hours of operation and related demand of the users. The restaurant and bar uses located within the Windmill Plaza are distributed throughout with some concentration at the north. Because the Buzz bar is located in the middle of the Plaza and its entrance faces north, a greater demand for parking occurs on the north half of the Plaza. The Dirty Dogg bar parking has some influence by this situation. However, the parking analysis demonstrates that there are an adequate number of parking spaces available in the Plaza for all of its uses. Parking is in compliance with the zoning ordinance.

##### **Police/Code Enforcement.**

The police and fire department do not object to this application. The police

department has reviewed and approved the updated Security and Maintenance Plan. In 2004 there was one call for service to this site, involving a male/female dispute. No other calls for service, including Code Enforcement calls, are on record.

**Land Use.**

This site is located in close proximity to a major intersection of Shea Boulevard and Scottsdale Road. These streets are major arterials that support high levels of traffic and greater intensity and variety of uses at their intersection.

**Use Permit Criteria.**

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - ***This use does not generate smoke, odor, or dust. No additional outdoor lighting is proposed. The application demonstrates that any noise generated will be contained within the building. Any vibration that might occur would be from speakers located within the building.***
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - ***This bar encompasses approximately 2000 square feet of an existing building.***
  3. There are no other factors associated with this project that will be materially detrimental to the public.
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - ***The general character of the area is commercial, with residential being more than 1000 feet and the nearest worship facility 840 feet from this proposed bar site.***
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

**Additional conditions for bars:**

- a. The use shall not disrupt existing balance of daytime and nighttime uses.
  - i. ***This use is proposed for an existing bar that has not demonstrated any disruptions to the daytime and nighttime uses.***
- b. The use shall not disrupt pedestrian-oriented daytime activities.
  - i. ***This use is proposed to operate during the daytime hours. None of the operations encroach into pedestrian walkways or areas.***
3. If the site is located within the downtown overlay district then:
  - a. The use shall not encourage displacement of daytime retail uses unless

- it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
- b. The required parking for the use shall be within 600 feet of the property and shall not be separated from the property by a major or minor arterial street.
    - ***This site is not located in the downtown overlay district.***
  4. If the use is located within 500 feet of a residential use or district then:
    - a. The use shall not adversely impact residential uses.
    - b. The use shall provide methods of buffering residential uses.
      - ***This site is approximately 1000 feet from residential uses and districts.***
  5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
    - ***The applicant has submitted a management and security plan that has been approved and will be maintained and enforced.***
  6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
    - ***The exterior refuse control plan has been reviewed and approved.***
  7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
    - ***The noise for this use is contained within the building; there are doors at the patios. No new lighting fixtures are proposed.***
  8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
    - ***The amount of parking provided meets the Zoning Ordinance.***

**Community Involvement.**

The applicant sent notices to surrounding property owners within 750 feet of this site. The Paradise Valley Plaza Owners Association submitted a letter of support. No other correspondence has been received regarding this request.

**Community Impact.**

Approval of this request would result in this bar use permit without a time limitation. The impact is tempered by the fact that this property previously was a restaurant/bar.

STAFF  
RECOMMENDATION

**Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

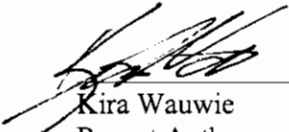
RESPONSIBLE  
DEPT(S)

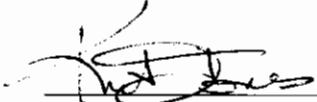
**Planning and Development Services Department**  
Current Planning Services

**STAFF CONTACT(S)**

Kira Wauwie  
Project Coordination Manager  
480-312-7061  
E-mail: kwauwie@ScottsdaleAZ.gov

**APPROVED BY**

  
Kira Wauwie  
Report Author

  
Kurt Jones, AICP  
Director, Current Planning

**ATTACHMENTS**

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. City Notification Map
8. Site Plan
9. Approved Security Plan



# Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 3/1/05

Project No.: 183 - PA - 2005

Coordinator: KERA WADWIE

Case No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Project Name: DIRTY DOGG SALOON

Project Location: 10409 N. SCOTTSDALE RD.

## Property Details:

☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Industrial

Current Zoning: C-3 Proposed Zoning: C-3

Number of Buildings: 1 Parcel Size: 2600 Sqft.

Gross Floor Area/Total Units: 2600 Sqft. Floor Area Ratio/Density: 2220 Sqft

Parking Required: 35 Parking Provided: 35

Setbacks: N - 0 S - 0 E - 0 W - 6'

## Description of Request:

DIRTY DOGG SALOON HAS BEEN IN OPERATION AS OF MAY 21,  
2004 UNDER CURRENT USE PERMIT # 4-UP-2004  
APPLICANT IS REQUESTING PERMANENT USE PERMIT WITH  
NO ADDAD STIPULATIONS. DIRTY DOGG HAS OPERATED WITH NO  
VIOLATIONS OVER PAST YEAR AND IS GOOD STARTING WITH  
OTHER BUSINESS NEEDS.

ATTACHMENT #1

## Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

**Attachment A  
DIRTY DOGG SALOON  
PROJECT NARRATIVE**

**Location and History:**

**10409 N. Scottsdale Rd.  
Scottsdale, AZ 85253**

This location has been a bar/restaurant since originally built in 1967 as Mag's Ham Bun. The Cronk family has owned and does still own the property under Mag's Ham Bun, Inc. The Cronks operated Mag's Ham Bun with a Series #6 liquor license from 1985 until they leased the property to Sam Bruce, L.L.C, in 2002. Sam Bruce, L.L.C, changed the license from a Series #6 to a Series #12 and operated as such until June 2003. Fire House Management, L.L.C, has been operating the current use as the Dirty Dogg Saloon as of May 21, 2004 under Use Permit #4-up-2004. The current applicant is asking for an extension of the current use permit with no additional stipulations to continue operations. There are no plans to modify the current building. Since the location has operated as bar for over 30 years there should be no significant impacts on the area parking or otherwise. The total gross square footage is 2600 square feet of which 2220 square feet is available for retail use. The building is not being altered in any way. The location will operate as a bar/restaurant with hours of operation Monday – Sunday from 11:00am to 2:00am.

**Entertainment**

The entertainment provided will be classic rock music usually provided by a preprogrammed CD player/computer. From time to time the applicant will wish to utilize special events and or temporary extension of premises permits. The applicant understands that for extensions or outdoor special events separate and special event applications must be submitted and approved by the City of Scottsdale.

Music amplification is provided by 6 Mach M-821 speakers, and 3 QSC PLX amplifiers. There are also 7 televisions for patron viewing.

**Security**

Door staff personal will be on duty nightly from 9:00pm to closing. Security will be identified by uniforms designating them as members of the Staff. All members of staff are required to under go Liquor control training with Arizona Liquor Industry Consultants before being allowed to work. This training educates staff and members of management on the liquor laws of the State of Arizona and will enable them to make better-informed decisions when serving patrons alcohol. The amount of Security will be decided on an as needed basis as volume dictates. Staff will require Identification verifying age to be over 21 years of age before allowing access to establishment. Staff will be required to monitor parking area during business hours and one hour after closing.

## **Management**

Members of Management have completed Liquor Certification courses given by Arizona Liquor Industry Consultants and are registered with the Arizona Department of Liquor License and Control. Members of Management have been involved with Management of Liquor licensed establishments in the past and are in good standing with the Arizona Department of Liquor.

## **Refuse**

Staff will be required to police the parking lot and adjacent areas to the establishment before, during, and after closing, to pick up trash and debris left in the area by patrons. Management will work with neighbors to ensure that the establishment is not causing any undue burden to their businesses. The facility is equipped with its own dumpster for trash removal. The current trash pickup schedule is 3 times per week in the A.M. If this becomes insufficient Management will request that additional pickup times be made. The dumpster is located within 40 feet of the establishment. The parking lot is maintained by the Paradise Valley Property Owners Association and is swept on a weekly basis.

Please see the following attachments for refuse disposal location:

- Attachment C Site Plan 1
- East View 12
- Refuse Containment 16

## **Parking**

Please see attached parking analysis Attachment C completed in July 2002. Applicants allotted parking is 35 spaces, which is what is required for the available retail square footage.

Since the opening of this establishment in 2004 two other restaurant bars have closed, this should have a minimal impact on the parking in the area.

At peak times there will be up to 9 staff members that will require parking and up to approximately 120 patrons.

Please see additional attachments for parking:

- Attachment C Site Plan 1
- East Elevation 1
- Rear South East View 10
- East View 11
- East View 12
- Rear North View 1

## **Lighting**

There are no plans of changing the current lighting that exists. The establishment currently has eight exterior lights on the West Side of the building facing Scottsdale Rd. and seven exterior lights on the East Side facing the parking lot. The parking lot provides additional lighting and is maintained by the Paradise Valley Property Owners Association.

Please see the following Attachments:

Signage 2 East Elevation

Signage 3 South West Elevation

## **Signage**

The current signage on the building will be utilized.

Please see the following Attachments:

Signage Attachments 1-5

## **Traffic related information**

There are no proposed changes for current traffic ingress or egress into the parking lot.

Please see attached for projected Trip Generation Comparison Attachment D.

## **Noise Impact**

There is no residential within 1000 ft. of the premises so there should be no adverse noise effect on the neighboring area. The doors of the establishment will remain in a closed position except when allowing patrons to enter and exit. The west side of establishment faces Scottsdale Road. The establishment should not negatively effect the high volume of traffic created by Scottsdale and Shea Blvd. There should be no significant noise impact from the establishment.

## **Neighborhood Involvement**

A letter has been sent to property owners within a minimum of 300 feet of the applicant location, as is required by staff.

Please see the following Attachments:

Attachment F

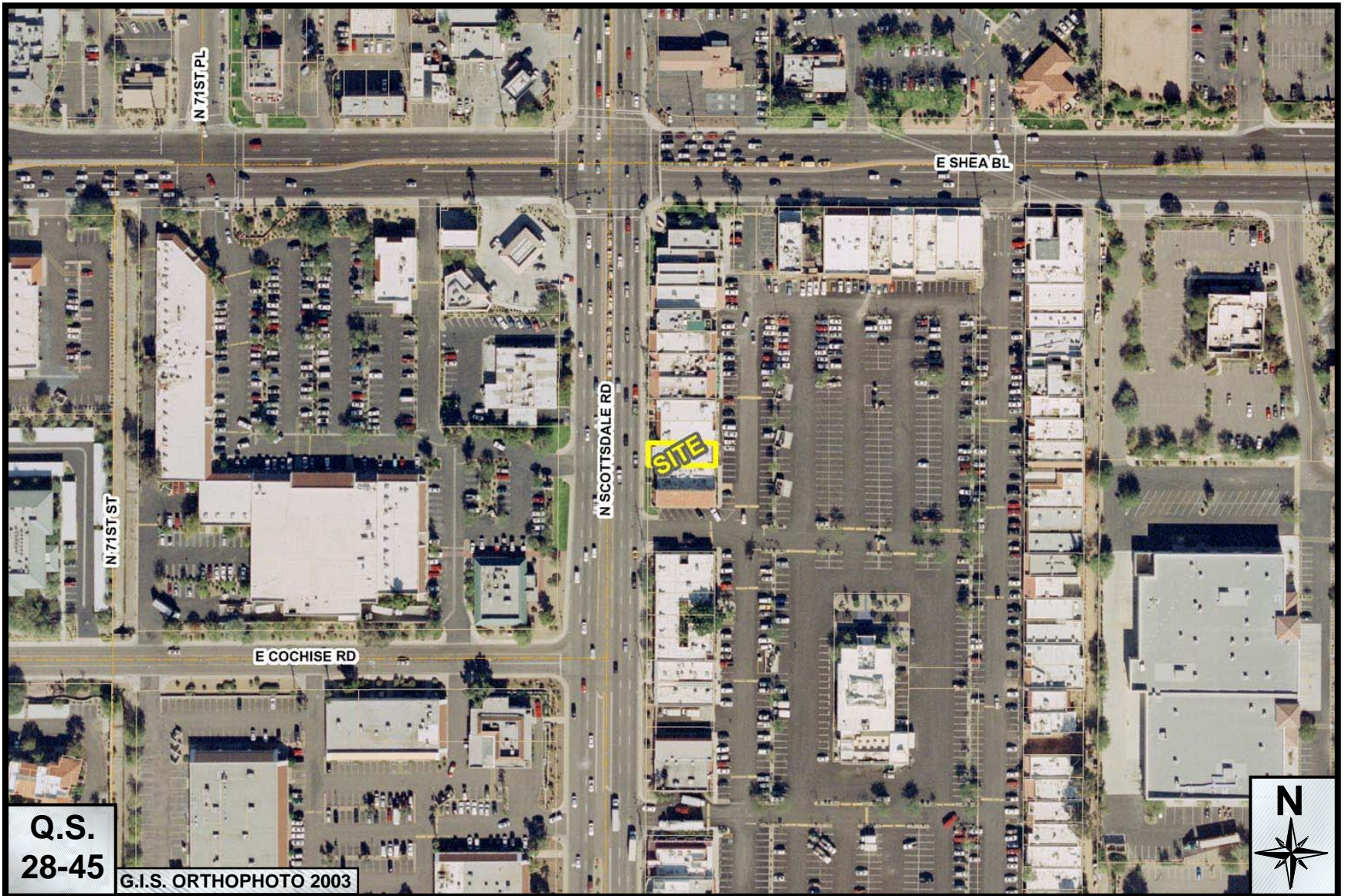
Attachment G

Attachments H 1-4

**EMERGENCY CONTACTS:**

Jack Estes  
15600 N. FLW Blvd. #1164  
Scottsdale, AZ 85260  
480-227-3486

Stacy Frieberg  
1608 W. Curry Dr.  
Chandler, AZ 85224  
602-820-6547



Q.S.  
28-45

G.I.S. ORTHOPHOTO 2003

Dirty Dogg Saloon

4-UP-2004#2

ATTACHMENT #2



Dirty Dogg Saloon

4-UP-2004#2

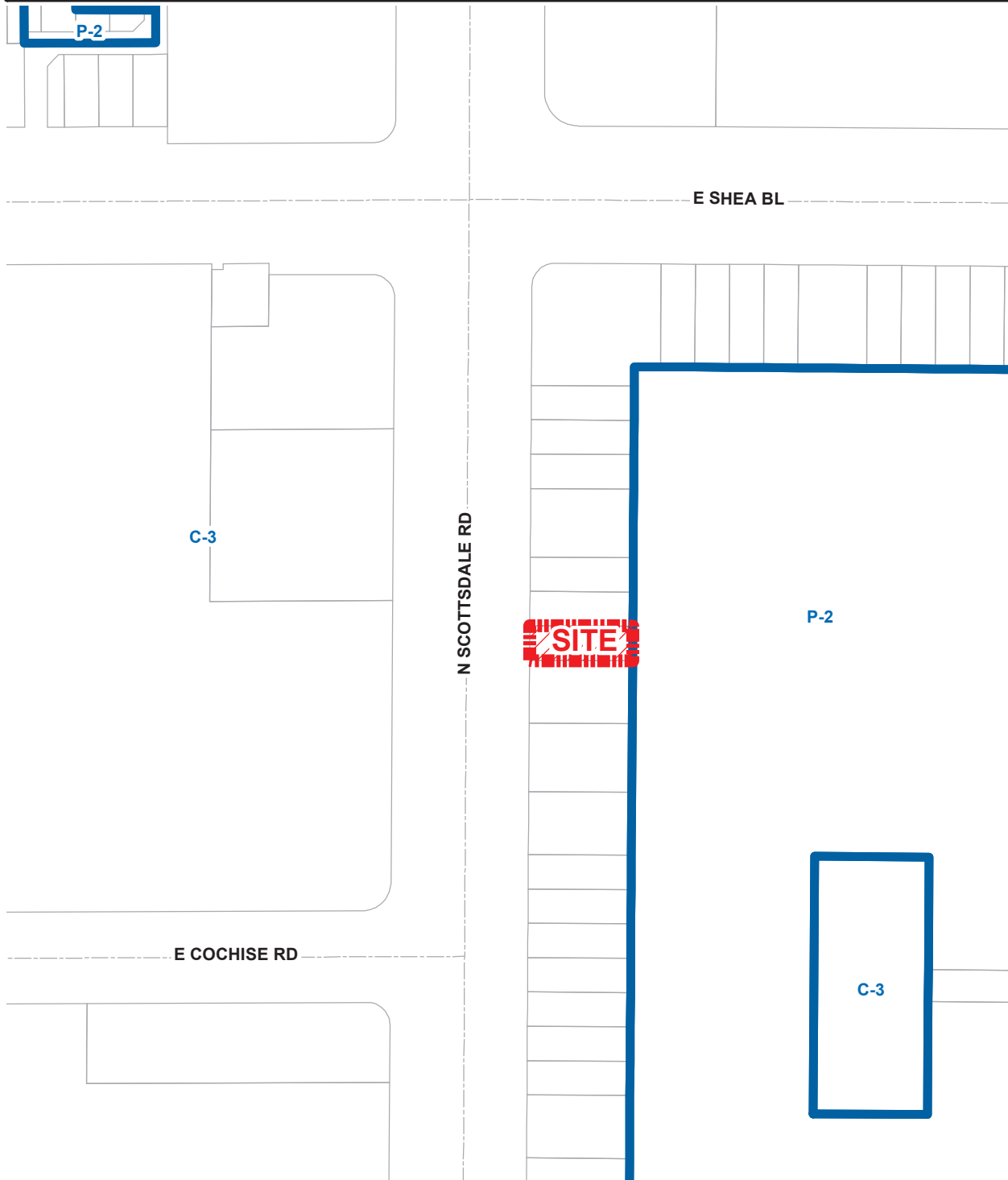
ATTACHMENT #2A

## A stylized map of a city block. The map features a grid of streets: 70th St on the left, 74th St on the right, Shea Blvd at the top, and Gold Dust Ave at the bottom. A vertical street, Scottsdale Rd, runs through the center. A star is located at the intersection of Scottsdale Rd and Gold Dust Ave. The map is composed of various colored blocks: red, pink, brown, orange, and yellow. The streets are represented by dark grey lines. The text for the streets is in white, bold, uppercase letters. The star is orange with a white outline.



Adopted by City Council October 30, 2001  
 Ratified by Scottsdale voters March 12, 2002  
 revised to show McDowell Sonoran Preserve as of May 2004  
 revised to reflect General Plan amendments through June 2004

Renew the 2004 approved conditional use permit and modify the existing stipulations for a Bar in an existing building with Highway Commercial District (C-3) zoning



4-UP-2004#2

ATTACHMENT #4



## **STIPULATIONS FOR CASE 4-UP-2004#2**

### **PLANNING/ DEVELOPMENT**

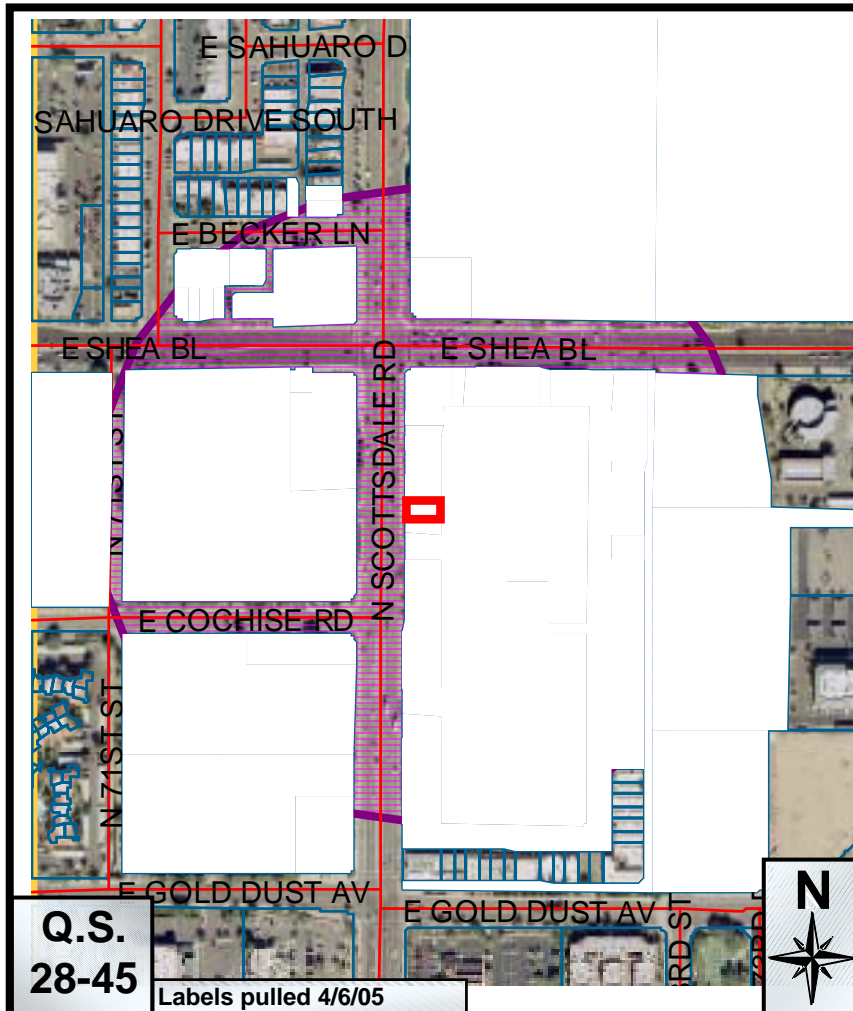
1. **USE PERMIT.** This use permit is subject to the following stipulations that carry forward from the initial case approval of 4-UP-2004.
2. **OPERATIONS.** All operations on site shall comply with the following:
  - a. No live entertainment is approved with this use permit. Any live entertainment proposed at the establishment shall apply for a Live Entertainment use permit.
  - b. **Noise/Sound.**
    - (1) Unless otherwise approved by the City in association with a Special Event or other type of application, the following noise/sound conditions shall apply.
    - (2) Amplified music shall not be heard or have measurable noise emitted past the property line.
    - (3) No external speakers shall be permitted.
    - (4) All external doors shall remain closed, but not locked during operating hours.
    - (5) There shall be no amplified music during the times that state law does not allow liquor sales at this bar.
  - c. **Maintenance and Security Plan.**
    - (1) The bar operator(s) / merchant(s) shall maintain a Public Security and Maintenance Plan approved by the Scottsdale Police Department on record with the City of Scottsdale and shall keep a copy on site.
    - (2) Each year, prior to the anniversary of this use permit approval, the bar owner shall provide an update of the Maintenance and Security Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the Plan continues in effect as originally approved, or the update shall conform to #3 below.
    - (3) At any time that there are any changes that modify the requirements or contents of the Public Security and Maintenance Plan, those changes shall be documented in a revised Public Security and Maintenance Plan which shall be approved by the Police Department, in conjunction with a Staff Approval by the Planning and Development Services Department.
  - d. **Refuse and Litter Control.**
    - (1) The bar operator(s) / merchant(s) shall maintain a refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department and applicable departments on record with City of Scottsdale and keep a copy on site.
    - (2) All operations of the bar shall conform to the refuse control plan contained within in the project narrative submitted by Fire House Management, L.L. C. and staff receipt dated 4/5/2005.
    - (3) The bar operator(s) / merchant(s) shall assure that litter and debris is removed property and properly disposed of daily.

**Dirty Dogg Saloon**  
**4-UP-2004#2**

Attachment #6. Citizen Involvement

The above attachment is on file at the City of  
Scottsdale Current Planning office,  
7447 E Indian School Road, Suite 105.

# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-feet

## Additional Notifications:

- Interested Parties
- Monterey at Mountain View HOA
- Monterey at Mountain View II HOA

**Dirty Dogg Saloon**

**4-UP-2004#2**

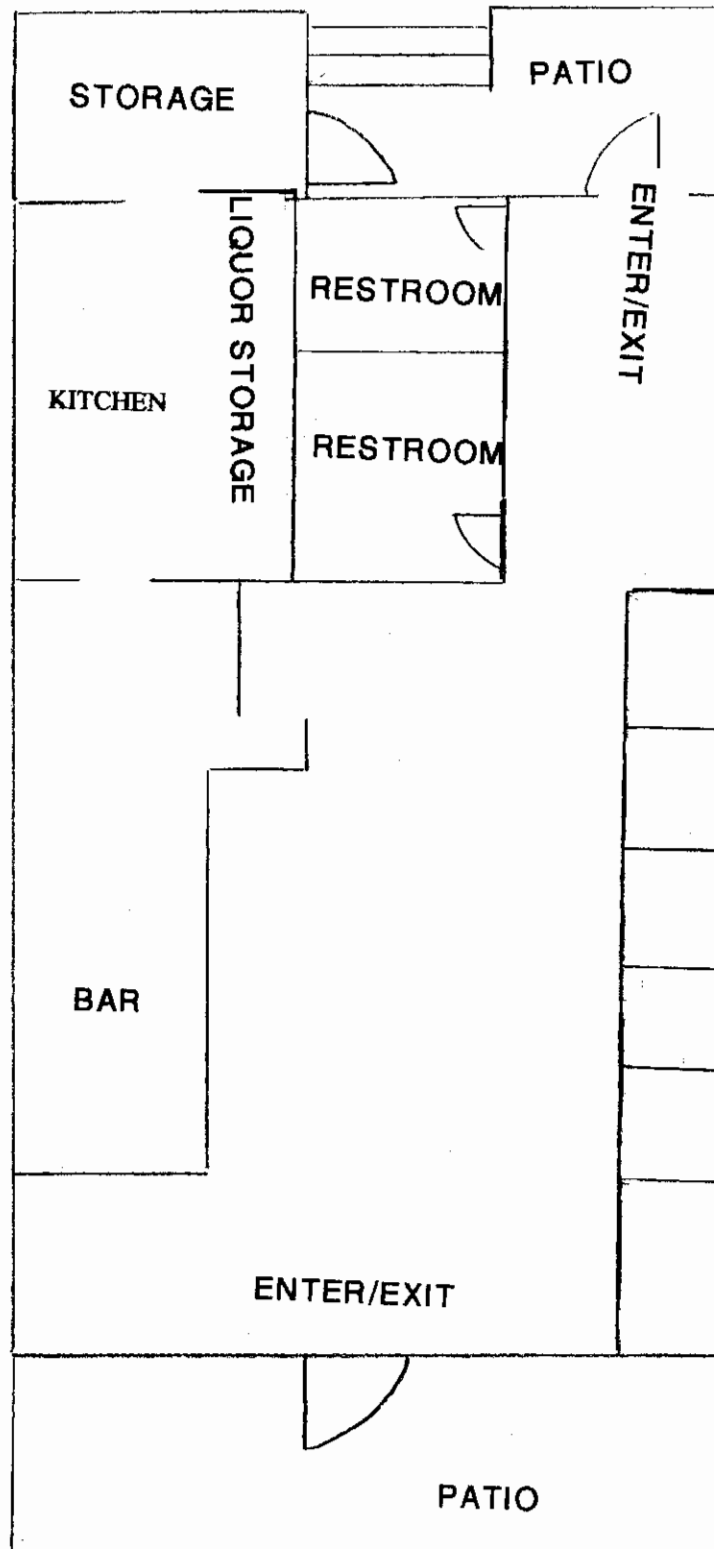
ATTACHMENT #7



ATTACHMENT C  
PARKING LOT

SITE PLAN 2

LANDIS CYCLES



FURNITURE STORE

ATTACHMENT #8

SCOTTSDALE ROAD

4-UP-2004#2  
4-5-05

**Dirty Dogg Saloon**  
**4-UP-2004#2**

Attachment #9. Approved Security Plan

The above attachment is on file at the City of  
Scottsdale Current Planning office,  
7447 E Indian School Road, Suite 105.